

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-661

October 31, 2001

DAVID BURNER
Appeal of Consumer Assistance Division
Decision #2001-10271 Regarding Bangor
Hydro-Electric Company

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we uphold the September 14, 2001 decision of our Consumer Assistance Division (CAD) finding that Bangor Hydro-Electric Company (BHE) properly billed for electric usage, and investigated and responded to the dispute of Mr. and Mrs. Burner.

II. BACKGROUND

Mr. and Mrs. Burner reside in a home in Winter Harbor, Maine, for approximately two and a half months a year during June, July and August. In May 2001, they complained to BHE following receipt of their electric bill in May 2001 for the amount of \$721.73. The Burners had received estimated bills for the months of December, January, February, and March. BHE did not read the meter in those months as the account was coded as seasonal.¹ When the meter was read on April 18, it indicated usage of 5013 kWhs since the meter was last read on November 17, 2000.

The Burners contacted BHE and questioned the bill, as the house was uninhabited during these months. On May 1, BHE reread the meter and it showed a small amount of additional usage since it was read in April. When contacted, Mr. Burner, he explained that carpenters had done work in the house during the winter and he would look into their consumption. He said in previous years they had disconnected service, but this year they left it on due to anticipated work.

In June, the Burners continued to question the amount of the bill and why the bill was estimated for five months. They paid the bill under protest. The Burners subsequently contacted an electrician who stated that the meter was probably 30 years

¹ BHE initially responded to the customer that the meter was not read because the road to their home was impassable due to snow. However, BHE subsequently explained that the account was coded as seasonal and only the month of March was impassable due to snow.

old and there could be some oxidation on it.² The Burners requested that BHE change the meter. On June 25, BHE replaced the meter. The service person noted no oxidation. On July 3, 2001, BHE tested the old meter and found that it was reading within the range of accuracy allowed in Chapter 32 of the Commission's rules,.

On September 14, 2001, the Consumer Assistance Division issued its decision finding that BHE acted reasonably in responding to the Burners complaint. The Burners appealed that decision to the Commission on September 20, 2001.

III. DISCUSSION AND DECISION

The Commission requires that a utility maintain meters with a certain range of accuracy. At the request of a customer, a utility must test a meter. BHE followed these rules and found the meter was operating properly. The test showed the meter reading at 99.99% accuracy under both full and light load conditions. Absent evidence of a defective meter, a customer is responsible for the cost of electricity once it passes through the meter. BHE correctly billed the Burners for the usage that was recorded on the properly operating meter. Whether actual meter reads in November through March would have allowed the Burners to take some action to change the usage is unclear. We regret that the Burners were unhappy with this result, but customers are ultimately responsible for activities that occur at their residence. Therefore, we uphold the decision of the CAD and decline to investigate this matter further.

Dated at Augusta, Maine, this 31st day of October, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

² The Burners noted that the meter was "installed" by the Sangamo Electric Company. Sangamo is a manufacturer of meters. The meter was actually installed by BHE.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.